

REMARKS

In response to the Office Action mailed March 9, 2005, Applicant respectfully requests reconsideration. To further the prosecution of this Application, Applicant submits the following remarks, has canceled claims and has added new claims. Applicant prays that, after consideration of these remarks, a favorable decision will be provided regarding the claims. The claims as now presented are believed to be in allowable condition.

Claims 1, 3-7, 9-14, 16-17, and 19-35 were pending in this Application. By this Amendment, claims 1, 3-5, 7, 9-11, 13, 14, 16, 17, 19-23, 25-29, 31, 34, and 35 have been amended, claim 32 has been canceled, and claim 36 has been added. Accordingly, claims 1, 3-7, 9-14, 16-17, 19-31, and 33-36 are now pending in this Application. Claims 1, 7, 13, 14, 17, 20, 21, 23, 25, 26, 28, and 35 are independent claims and the remaining claims are dependent claims.

Claim Amendments

Independent claims 1, 7, 13, 14, 17, 20, 21, 23, 25, 26, 28, and 35 have been amended to include subject matter of previously examined claim 30. Subject matter relates to the host transmitting a device oriented, block based command to access the set of data. The amendments do not add new matter to the application. Accordingly, the Applicant has not raised any new issue that would require further searching and consideration.

Dependent claims 3-5, 9-11, 16, 19, 22, 24, 27, 29, and 34 have been amended to address antecedent basis issues raised by the amendments to the independent claims. Dependent claim 31 has been amended to address an antecedent basis issue raised by cancellation of claim 30.

Rejections under 35 U.S.C. §103

Claims 1, 3-7, 9-14, 16-17, and 19-35 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,506,961 to Carlson et al. (hereafter Carlson).

The Applicant asserts that the present claimed invention is not anticipated by any disclosure in Carlson. Reconsideration of the rejection is respectfully requested.

In order to establish a *prima facie* case of obviousness, the Office Action must meet three criteria.

“First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.”¹

Carlson relates to the authorization of peer-to-peer connections.² In Carlson, to obtain information required by a user and/or an application program, a client connection manager issues a request to a system authorizer.³ Furthermore, in Carlson,

[s]ince the client application may or may not know the location of the desired information, the request may or may not include the address of a server device (i.e., the client connection manager will not provide the address of a server device when the location of the information is unknown to it). When the system authorizer receives the request, it first verifies that the client device is who it claims to be. The system authorizer then identifies the applicable server device by using either the address provided by the client connection manager or the information contained in the request. If the system authorizer determines that the client device should be allowed to access the information on the subject server device, it then sends a token to the server device and a copy of the same token to the client device...

Upon receipt of the token copy from the system authorizer, the client connection manager packages the token copy into a message that it sends to the server device. When the server connection manager receives the message from the client device, it compares the token copy to the token it received from the system authorizer. If the tokens match, the server connection manager responds to the client device and the connection is established. If the tokens do not match, the server connection manager notifies the system authorizer of the failed connection attempt and then proceeds to inform the client device.⁴

¹ *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

² Carlson, col. 1, l. 11-12.

³ Carlson, col. 3, l. 56-58.

⁴ Carlson, col. 3, l. 58 – col. 4, l. 21 (emphasis added).

The request message in Carlson has a format that includes a client resource ID field, a server resource ID field, an information ID field, and an access rights field.⁵ The server resource ID field “is an optional field that contains location information about the server device. The field could be included in the message if the location of the requested information is known to the client device.”⁶

The Applicant’s amended independent claims 1, 7, 13, 14, 17, 20 and 35 generally include, as an element, receiving “from a host in communication with the data access manager over the network connection (i) a device oriented, block based command to access the set of data and (ii) a first access token of the plurality of tokens that provides access to the set of data stored in the set of storage locations in the data storage system”. Claims 1, 7, 13, 14, 17, 20 also generally include, as an element, producing “a response signal that provides a response to the device oriented, block based command over a network connection to the host based on an authorization signal”.

The Applicant’s amended independent claims 21, 23, and 25, generally include, as an element, generating “a device oriented, block based command to access the set of data stored in the set of storage locations”. The Applicant’s amended independent claims 26 and 28, generally include, as an element, providing to the data storage assembly from the host (i) a device oriented, block based command to access the set of data and (ii) a first access token of a plurality of tokens that provides access to the set of data stored in the set of storage locations in the data storage assembly.

The Office Action has not established a *prima facie* case of obviousness with respect to the Applicant’s independent claims 1, 7, 13, 14, 17, 20, 21, 23, 25, 26, 28, and 35 because Carlson does not teach or suggest all of the claim limitations of claims 1, 7, 13, 14, 17, 20, 21, 23, 25, 26, 28, and 35.

As indicated above, for authorization of peer-to-peer connections (e.g., to obtain information required by a user and/or an application program), Carlson describes a client connection manager as issuing a request to a system authorizer. Carlson recites the request, as provided by the host, as optionally including a server resource ID field that

⁵ Carlson, col. 7, l. 45-47.

⁶ Carlson, col. 7, l. 50-54 (emphasis added).

indicates location information about the server device. The request in Carlson is not, however, a device oriented, block based command to access a set of data, as claimed by the Applicant in independent claims 1, 7, 13, 14, 17, 20, 21, 23, 25, 26, 28, and 35.

As indicated by the Applicant's specification, and as is known in the art, device-oriented, data block based communications (e.g., conventional SCSI communications) are based upon a read or write command directed to a **range of disk addresses** on a specific data storage device.⁷ While Carlson teaches of a host sending a request that may or may not include location information about the server device, Carlson does not teach or suggest the use of a device oriented, block based command (e.g., as directed to a **range of disk addresses**) to access the set of data stored by the storage device.

For example, assume a case where the request in Carlson does not include a server resource ID field, as the field is optional. Because the request does not indicate a location of a particular storage device, the request would not include a range of disk addresses. In such a case, the request in Carlson is clearly not a block based request as claimed by the Applicant in independent claims 1, 7, 13, 14, 17, 20, 21, 23, 25, 26, 28, and 35.

In another example, assume a case where the request in Carlson does include a server resource ID field. While the server resource ID field of the request indicates a location of a particular storage device, the request is not a device oriented, block based command as claimed by the Applicant. Carlson merely teaches of the request having the server resource ID field as identifying a location of a particular storage device. Carlson does disclose or suggest the request as requesting data directed to a **range of disk addresses** on the specific data storage device. As such, the request in Carlson is not a device oriented, block based command as claimed by the Applicant in independent claims 1, 7, 13, 14, 17, 20, 21, 23, 25, 26, 28, and 35.

If the rejection of claims 1, 7, 13, 14, 17, 20, 21, 23, 25, 26, 28, and 35 are to be maintained, the Applicant respectfully requests that it be pointed out with particularity where Carlson teaches a device oriented, block based command to access a set of data.

⁷ Applicant's Specification, p. 3, l. 20-22.

Because Carlson does not teach or suggest every element of the Applicants' independent claims 1, 7, 13, 14, 17, 20, 21, 23, 25, 26, 28, and 35, the claims are patentable over Carlson and should be allowed to issue. Accordingly, the rejection of these claims should be withdrawn. Claims 3-6, 27, 29, 30, 33, and 36 which depend on claim 1, claims 9-12, which depend upon claim 7, claim 16, which depends upon claim 14, claim 19 which depends upon claim 17, claims 22 and 34 which depends upon claim 21, claim 24, which depends upon claim 23 should also be allowed to issue as depending upon allowable independent claims (i.e., for at least the reasons presented). Reconsideration of the rejection is respectfully requested.

Newly Added Claims

Claim 36 has been added and is believed to be in allowable condition. Claim 36 depends from claim 1. Support for claim 1 is provided within the Specification, for example, on page 8, line 22 through page 9, line 2. No new matter has been added.

-23-

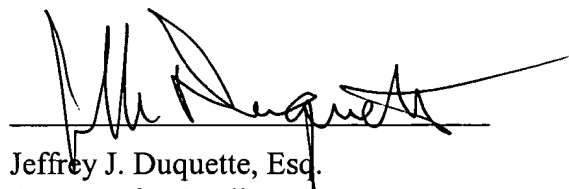
Conclusion

In view of the foregoing remarks, this Application should be in condition for allowance. A Notice to this affect is respectfully requested. If the Examiner believes, after this Response, that the Application is not in condition for allowance, the Examiner is respectfully requested to call the Applicants' Representative at the number below.

Applicant hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-0901.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 366-9600, in Westborough, Massachusetts.

Respectfully submitted,



Jeffrey J. Duquette, Esq.
Attorney for Applicant
Registration No.: 45,487
CHAPIN & HUANG, L.L.C.
Westborough Office Park
1700 West Park Drive
Westborough, Massachusetts 01581
Telephone: (508) 366-9600
Facsimile: (508) 616-9805

Attorney Docket No.: EMC00-28(00163)

Dated: May 9, 2005